

08/30/01  
jc952 U.S. PTO

09/04/01

A

Please type a plus sign (+) inside this box ☐

Attorney Docket P2548P1C6  
PATENT

**CERTIFICATION UNDER 37 CFR 1.10**

**EL 809 448 844 US:** Express Mail Number **August 30, 2001:** Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

  
Teri Renshaw

J1036 U.S. PTO  
09/944403  
08/30/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Baker, Kevin P., Darnestown, MD  
Botstein, David, Belmont, CA  
Eaton, Dan L., San Rafael, CA  
Ferrara, Napoleone, San Francisco, CA  
Filvaroff, Ellen, San Francisco, CA  
Gerritsen, Mary E., San Mateo, CA  
Goddard, Audrey, San Francisco, CA  
Godowski, Paul J., Burlingame, CA  
Grimaldi, Christopher J., San Francisco, CA  
Gurney, Austin L., Belmont, CA  
Hillan, Kenneth J., San Francisco, CA  
Kljavin, Ivar J., Lafayette, CA  
Napier, Mary A., Hillsborough, CA  
Roy, Margaret Ann, San Francisco, CA  
Tumas, Daniel, Orinda, CA  
Wood, William I., Hillsborough, CA

Title: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS  
ENCODING THE SAME**

**1. Type of Application**

- [ ] This application is for an original, non-provisional application.
- [ ] This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [ ] continuation-in-part [X] continuation [ ] divisional application of U.S. Serial Number 09/866,028 filed May 25, 2001 and claims priority to U.S. Provisional Patent

09/944403-083001

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

### 3. Declaration or Oath

— *(for Cont./Div. where inventor(s) being deleted)*  
A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

— (for new and CIP applications)  
An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

(for cont./div.)  
X The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

☐ Cancel in this application original claims \_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

☒ Amend the specification by inserting before the first line the sentence:

--This is a

☐ non-provisional application

☒ continuation

☐ divisional

☐ continuation-in-part

of applications

☒ U.S. Serial Number 09/866,028 filed May 25, 2001 and claims priority to U.S. Serial Numbers: 09/216,021 filed December 16, 1998; 09/218,517 filed December 22, 1998; 09/254,311 filed March 3, 1999, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and

☒ International Application serial numbers PCT/US98/19330 filed September 16, 1998; PCT/US98/25108 filed December 1, 1998; PCT/US99/12252 filed June 22, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/28409 filed November 30, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US01/06520 filed February 28, 2001, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and

☒ provisional application numbers 60/067,411 filed December 3, 1997; 60/069,334 filed December 11, 1997; 60/069,335 filed December 11, 1997; 60/069,278 filed December 11, 1997; 60/069,425 filed December 12, 1997; 60/069,696 filed December 16, 1997; 60/069,694 filed December 16, 1997; 60/069,702 filed December 16, 1997; 60/069,870 filed December 17, 1997; 60/069,873 filed December 17, 1997; 60/068,017 filed December 18, 1997; 60/070,440 filed January 5, 1998; 60/074,086 filed February 9, 1998; 60/074,092 filed February 9, 1998; 60/075,945 filed February 25, 1998; 60/112,850 filed December 16, 1998; 60/113,296 filed December 22, 1998; 60/146,222 filed July 28, 1999, the entire disclosure of which is hereby incorporated by reference and to which applications priority is claimed under 35 USC §119.--

09044403 09044403

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	13	- 20 =	0	X \$18.00	\$0.00
Independent Claims	3	- 3 =	0	X \$80.00	\$0.00
— Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Request to Use Computer Readable Form of Sequence Listing from Parent Application Pursuant to 37 CFR § 1.821(e) and paper copy of Sequence Listing.
- ☐ A new Power of Attorney or authorization of agent.
- ☒ Other: Associate Power of Attorney (37 CFR 1.34) and change of correspondence address; and Post card.

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

T00E80" E0444660

11. **C rrespondenc Address:**

X Address all future communications to:

Paul E. Rauch, Ph.D.  
Brinks, Hofer, Gilson & Lione  
NBC Tower - Suite 3600  
455 N. Cityfront Plaza Drive  
Chicago, Illinois 60611-5599  
Telephone: 312-321-4200  
Facsimile: 312-321-4299

CUSTOMER NO: 28442

Respectfully submitted,  
GENENTECH, INC.

By: Elizabeth M. Barnes  
Elizabeth M. Barnes, Ph.D.  
Reg. No. 35,059  
Telephone No. (650) 225-4563



09157

PATENT TRADEMARK OFFICE

0944403-083001